

Message Text

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PAGE 01 STATE 072346
ORIGIN L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 OES-07 NASA-01 DODE-00
NSC-05 SP-02 DOE-15 ACDA-12 CIAE-00 PM-05 INR-10
NSAE-00 SOE-02 SS-15 NRC-05 /108 R

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EUR/SOV:BZOOK
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NASA/I:INTERRELL (INFO)
DOD/ISA:EMELANSON (INFO)
NSC:BHUBERMAN S/P:WGATHRI-HT
OSTP:AMORRISSEY

-----075734 220349Z /64

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FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA
INFO USMISSION USUN NEW YORK
AMEMBASSY MOSCOW
USMISSION GENEVA

C O N F I D E N T I A L STATE 072346

GENEVA PASS USDEL UN OUTER SPACE LEGAL SUBCOMMITTEE

E.O. 11652: GDS

TAGS: TSPA

SUBJECT: LEGAL ASPECTS OF COSMOS 954: FURTHER CANADIAN
DEMARCHE

1. CANADIAN EMBOFF (COUNSELOR BOEHM) MET AFTERNOON MARCH 9
WITH DEPARTMENT LEGAL OFFICERS TO DISCUSS TACTICS FOR DIS-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 072346

CUSSION OF COSMOS 954 INCIDENT AT MARCH 13-APRIL 7 SESSION
OF UN OUTER SPACE LEGAL SUBCOMMITTEE (LSC). OTHER DEPART-
MENT MEMBERS OF LSC DEL ALSO ATTENDED.

2. BOEHM SAID HE HAD BEEN INSTRUCTED TO EXPRESS GOC APPRE-
CIATION FOR US SUPPORT OF CANADIAN PROPOSALS IN RECENT
SESSION OF SCIENTIFIC AND TECHNICAL SUBCOMMITTEE (STSC)

REGARDING FORMATION OF A TECHNICAL WORKING GROUP TO STUDY TECHNICAL ASPECTS OF NUCLEAR POWER SYSTEMS IN SPACE. HE THEN PRESENTED AIDE-MEMOIRE WHICH STATES THAT, IN VIEW OF BROAD STSC SUPPORT FOR THE CANADIAN PROPOSAL, CANADA WISHES TO FOCUS LSC ATTENTION ON THE ISSUE TO "PROVIDE A FIRM BASIS FOR FURTHER ACTION BOTH IN THE PARENT COMMITTEE IN JUNE AND AT THE UNGA NEXT FALL."

3. ANTICIPATING THAT "THE USSR WILL CONTINUE TO OPPOSE ANY ACTION-ORIENTED PROPOSALS ON THIS SUBJECT, AT LEAST UNTIL THE MEETING OF THE PARENT COMMITTEE", THE

AIDE-MEMOIRE NOTED THAT THE PROVISIONAL LSC AGENDA HAS NO "OTHER MATTERS" ITEM UNDER WHICH COSMOS 954 MIGHT BE DISCUSSED. IT OUTLINED THREE PROCEDURAL POSSIBILITIES: (1) CREATION OF A NEW SUBSTANTIVE ITEM, UNDER WHICH THE LSC COULD BEGIN DISCUSSION OF EXISTING INTERNATIONAL LEGAL INSTRUMENTS TO DETERMINE WHETHER AN ADDITIONAL INSTRUMENT SHOULD BE ELABORATED; (2) INSERTION OF AN "OTHER MATTERS" ITEM, PERMITTING SUBSTANTIVE DEBATE OR ALTERNATIVELY RESERVING A PERIOD OF TIME AT THE END OF THE SESSION FOR SUCH DEBATE; AND (3) RAISING THE LEGAL ISSUES IN THE GENERAL EXCHANGE OF VIEWS. THE GOC FINDS THE FIRST COURSE OF ACTION MOST DESIRABLE, BUT IS AWARE OF THE DIFFICULTIES ASSOCIATED WITH IT. IN ANY EVENT, THE GOC EXPECTS THE ISSUE TO ARISE IN GENERAL DEBATE AND HOPES TO

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 072346

BE SUPPORTED BY AS MANY DELEGATIONS AS POSSIBLE.

4. THE AIDE-MEMOIRE ALSO NOTED THAT THE GOC WISHES TO REFLECT IN THE LSC FINAL REPORT "THE CONCERNS OF THE INTERNATIONAL COMMUNITY REGARDING THE LEGAL IMPLICATIONS OF THE USE OF NUCLEAR POWER SOURCES IN SPACE" AND IS CONSIDERING SUBMISSION OF A WORKING PAPER ON THOSE IMPLICATIONS. THE GOC IS ALSO STUDYING THE SWEDISH PROPOSAL TO ANNEX A DRAFT UNGA RESOLUTION TO THE REPORT.

5. THE US REPS RESPONDED THAT IF THERE WERE A REALISTIC POSSIBILITY OF AGREEING TO INCLUDE A NEW SUBSTANTIVE AGENDA ITEM, THE USDEL WOULD NOT OPPOSE SUCH A MOVE ALTHOUGH IT WAS FAR FROM CLEAR THE LSC HAD UNILATERAL AUTHORITY TO DO SO. THAT APPROACH SEEMS PREFERABLE TO AN OPEN-ENDED "OTHER MATTERS" ITEM UNDER WHICH EXTRANEIOUS SUBJECTS COULD BE RAISED. WE ANTICIPATED LEGAL ASPECTS OF COSMOS 954 WOULD BE RAISED IN GENERAL DEBATE AND IN THAT EVENT WE WOULD REITERATE THE VIEWS EXPRESSED IN THE STSC.

6. BOEHM INDICATED JAPANESE THOUGHT IT DIFFICULT IF NOT

IMPOSSIBLE TO ADOPT A NEW ITEM, BUT WOULD MAKE GENERAL DEBATE STATEMENT REFERRING TO LEGAL IMPLICATIONS AND EMPHASIZING THAT THE "LEGAL ASPECTS OF CONTROL OF NUCLEAR SATELLITES AND PRIOR NOTIFICATION SHOULD BE DISCUSSED IN SOME FORUM."

7. BOEHM ALSO INFORMED US THAT THE GOC LAST WEEK EXTENDED AN OFFER TO THE SOVIET UNION TO HAVE ONE OR TWO TECHNICIANS COME TO "EXAMINE THE PIECES" OF COSMOS 954. THE SOVIETS HAVE NOT YET RESPONDED. HE COMMENTED PRIVATELY THAT THE SOVIETS APPEAR TO BE HAVING SOME DIFFICULTY IN DECIDING HOW TO HANDLE THE QUESTION OF WHETHER THE DEBRIS IS IN FACT FROM COSMOS 954. WHEN THE

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PAGE 04 STATE 072346

CANADIAN OFFER WAS MADE, PICTURES OF THE RECOVERED DEBRIS WERE MADE AVAILABLE TO THE SOVIET AMBASSADOR, WHO CAREFULLY IGNORED THEM.

8. DEPARTMENT WOULD APPRECIATE EMBASSY SEEKING FURTHER INFORMATION FROM GOC ON INVITATION TO USSR. VANCE

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